

REMARKS

1. Applicant thanks Office for the Office's remarks and suggestions which have greatly assisted Applicant in responding.

2. **35 U.S.C. § 103**

Claims 1, 6 and 16 are rejected as being unpatentable over U.S. Patent No. 6,650,219 ("Berman") in view of U.S. published application no. 2001/0030660 ("Zainouline") and further in view of U.S. published application no. 2002/0059237 ("Kumagai").

Claim 1: In order to describe the subject matter of claim 1 more clearly, claim 1 is amended to describe "at the same time as said target song starts to play, deleting all pre-cached songs preceding said target song in said pre-determined sequence."

Support for the amendment is found at ¶0065 of U.S. patent application publication no. 2004/0138948 published application:

"When the user skips to the target song, the pre-buffered songs which are prior to the target in the play list (e.g. S_2-S_4 if the user skipped from S_1 to S_5) will be deleted from the memory just as they had already been played."

Additional support for the amendment is found at ¶0082:

"[A]t the same time, delete the pre-cached portion for any song which is prior to the new target song in the designated sequence of songs."

There is no teaching or suggestion in the combination of deleting all pre-cached songs preceding a target song that the user skips to at the same time that the target song starts to play. At col. 12, lines 49-52, Berman describes "If a user decided not to listen to the current song and skips it entirely on playback, it remains in the playback unit memory so the user can return to the skipped song and listen to it." Thus, even though songs preceding a target song may eventually be

overwritten, as described at col. 12, lines 25-30, because songs are retained in the playback memory so that the user can return to the skipped song, there is no teaching or suggestion in Berman that all songs preceding the target song are deleted at the same time that the target song starts to play.

5 Zainoulline and Kumagai add nothing to Berman. Accordingly, as amended, claim 1 describes subject matter that is neither taught nor suggested by the combination. The present rejection of claim 1 is therefore deemed overcome.

 Claims 6, 16 and 31: Claims 6, 16 and 31 are amended in the same manner as claim 1. Accordingly, the rejection of these claims is also overcome.

10 In view of their dependence from allowable parent claims, the dependent claims are deemed allowable without any separate consideration of their merits.

3. No new matter is added by way of the above amendments. The above amendments are made only for the sake of expediency, in deference to the Office
15 policy of compact prosecution. They do not signify agreement by Applicant with the Examiner's position. Nor do they reflect intention to sacrifice claim scope. Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in one or more future submissions to the Office.

20 4. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the claims are deemed to be in allowable condition. Applicant therefore earnestly requests reconsideration and prompt allowance of the
5 claims. Should the Examiner have any questions regarding the Application, he is urged to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,



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